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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL AARON KAPLY,
AARON KEITH REED, and
CRISTI NESBITT ULLMANN

Appeal 2008-0771
Application 09/884,493
Technology Center 2100

Decided: September 23, 2008

Before JOSEPH L. DIXON, HOWARD B. BLANKENSHIP, and
ALLEN R. MACDONALD, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-4, 6-16, and 18-24. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

BACKGROUND

Appellants' invention relates to a method and apparatus removing confidential information from a history in a browser. (Spec. 1). An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method in a data processing system for removing information, the method comprising:

receiving a selection of confidential information for removal from a history generated by a browser, wherein the selection is received prior to a browser session and wherein the history is composed of multiple data elements generated by a browser;

identifying data elements, within the history, that correspond to the confidential information that has been selected; and

responsive to a termination of the browser session, automatically removing the selected confidential information from the history without requiring further user input upon termination of the browser session, wherein only the selected confidential information is removed without destroying the integrity of other portions of the history.

PRIOR ART

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Qian	US 2002/0032731 A1	Mar. 14, 2002 (filed Feb. 7, 2001)
Barnett	US 6,369,840 B1	Apr. 09, 2002 (filed Mar. 10, 1999)

REJECTIONS

Claims 1-4, 7-16, and 19-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Qian.

Claims 6 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Qian and Barnett.

Rather than reiterate the conflicting viewpoints of the Examiner and Appellants regarding the above-noted rejection, we refer to the Examiner's Answer (mailed March 23, 2007) for the reasoning in support of the rejections, and to Appellants' Brief (filed November 8, 2005) and for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have carefully considered Appellants' Specification and claims, the applied prior art references, and the respective positions articulated by Appellants and the Examiner. As a consequence of our review, we determine the following.

35 U.S.C. § 102

"[A]nticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim" *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)). "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

Appellants have the opportunity on appeal to the Board to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006).

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375-76 (Fed. Cir. 2005) (citation omitted).

Here, we find the Examiner's reliance upon the teachings of Qian to teach the invention as set forth in the language of independent claim 1. From our review of the claimed invention as recited in independent claim 1, we find the language of the claim to be rather broad and nonspecific with respect to what or who performs the recited steps.

The Examiner relies upon paragraphs [0017], [0054], [0045]-[0047], [0067], [0071]-[0072], and [0077] to teach the claimed invention.

We agree with the Examiner's reliance upon those paragraphs and that paragraph [0017] of Qian specifically teaches that a group browsing system masks the identity of each client computer to prevent websites from retrieving any client's actual identification information and wherein at the end of the group browsing session, the temporary identifiers are automatically discarded to prevent any user from returning to the website while masquerading as another client. Qian further teaches in paragraph [0071] that the group-browsing system prevents any client, identified as another client, from returning to the website by deleting the temporary identifier at the end of a group-browsing session. Qian further teaches [0073] that the termination of a session may either allow at least one of the users to continue to use cookies from the group session (but in another, non-shared browser) or all the cookies may be cleaned up. In paragraph [0077] Qian teaches that the trigger routine computer code activates a cookie manager routine when a user joins a group-browsing session wherein the trigger routine adjust the end user settings to allow the cookie manager routine to intercept all web traffic; and once the session has ended, the trigger routine removes the cookie manager and returns all settings to their previous values.

From our review of the above teachings, we agree with the Examiner that Qian teaches a method in a data processing system for removing information. Here, these cookies are described in paragraphs [0009] and [0012] to contain personal information concerning the users and are selected for removal from the history generated by the browser. Qian teaches that the selection is received prior to the group-browsing session since the trigger routine loads the cookie manager. Thereafter, the cookie manager identifies

the data elements in the history that correspond to the confidential information that has been selected (group browsing cookies) and responsive to the termination of the group-browsing session, the cookie manager automatically removes the selected confidential information without further user input upon termination of the group browsing session. Thereafter, the trigger routine removes the cookie manager.

Therefore, we agree with the Examiner that the teachings of Qian clearly anticipate the language of independent claim 1. Therefore, we look to Appellants' responsive arguments to show error in the Examiner's reliance upon the teachings of Qian.

With respect to independent claim 1, Appellants argue that Qian fails to teach the totality of independent claim 1 and specifically that Qian does not teach the step of receiving a selection prior to a browser session. (App. Br. 10-11). We disagree with Appellants, as discussed above. Appellants argue that the selection of confidential information for removal from the history generated by a browser is not selected prior to a browser session and that a group-browsing session starts with no cookies. Therefore, the user could not select confidential information for removal of a history generated by a browser prior to the browser session. (App. Br. 11-12). Here, Appellants argue that the user could not select confidential information, but we do not find the recitation of a "user" recited in the language of independent claim 1. Therefore, we do not find Appellants' argument persuasive of the error in the Examiner's reliance upon Qian.

Appellants argue that Qian does not teach identifying data elements within the history that correspond to the confidential information that has been selected. (App. Br. 12). We disagree with Appellants, as discussed

above, wherein Qian must identify those group-browsing cookies to delete them with the cookie manager.

Appellants further argue that Qian fails to teach "responsive to a termination of the browser session, automatically removing the selected confidential information from the history" (App. Br. 12). We disagree with Appellants, as discussed above. Appellants further argue that Qian ends with no cookies remaining in the browser session and destroys all of the history, which is a contradiction to the presently claimed invention where only the selected confidential information is removed without destroying the integrity of other portions of the history. (App. Br. 12-13). We disagree with Appellants, and we do not find that Qian "destroys the integrity of other portions of the history." Here, Qian merely is concerned with the group browsing session and the cookies therefrom. Therefore, we do not find that Appellants have shown error in the Examiner's reliance upon Qian to show anticipation of the invention as recited in independent claim 1.

Here, Appellants appear to interpret the language of independent claim 1 beyond the expressed scope recited therein. Appellants' arguments imply that a user must perform the step of selecting and that there is necessarily at least an additional cookie or confidential information within the history and further that the selection must be a sub-portion of data rather than a whole cookie. We disagree with Appellants' interpretation of the broad language of independent claim 1. Additionally, we do not find any express or implied definition in Appellants' Specification to define "the integrity of other portions of the history." Therefore, we do not find Appellants' arguments thereto to be persuasive of error in the Examiner's reliance upon the teachings of Qian. Therefore, we will sustain the rejection

of independent claim 1 and independent claims 11, 13, and 23 along with dependent claims 2-4, 7, 14-16, and 19 since Appellants have not set forth separate arguments for patentability.

With respect to Appellants' arguments concerning independent claims 8, 12, 20, and 24, Appellants repeat the language of independent claim 8 and rely upon the same arguments advanced with respect to independent claim 1. Since we did not find those arguments persuasive above, we do not find them persuasive with respect to the independent claims 8, 12, 20, and 24 and their respective dependent claims. Appellants further present arguments concerning obviousness at pages 13-14 of the Brief. Since these arguments are directed to the wrong statutory basis for the rejection, they do not show error in the Examiner's reliance upon the teachings of Qian based upon anticipation. Therefore, we will sustain the rejection of independent claims 8, 12, 20, and 24 and dependent claims 9, 10, 21, and 22 since Appellants have not set forth separate arguments for patentability.

35 U.S.C. § 103(a)

With respect to dependent claims 6 and 18, Appellants merely rely upon the arguments advanced with respect to independent claims 1 and 13 and argue that Barnett does not teach or suggest limitations of independent claims 1 and 13. Since we found no error in the Examiner's reliance upon Qian, we do not find Appellants' argument that Barnett does not teach that which was taught by Qian to be persuasive of error. Therefore, we will sustain the rejection of dependent claims 6 and 18.

CONCLUSION

In summary, we have sustained the rejection of claims 1-4, 7-16, and 19-24 under 35 U.S.C. § 102, and we have sustained the rejection of claims 6 and 18 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

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